IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.51523 of 2007
BASANT KUMAR YADAV
Versus
STATE OF BIHAR
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04. 08.05.2008 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner is an accused for offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the prosecution case is that dead body of an unknown person was recovered and on investigation one Udai Nath Pandey claimed that the said deceased was his driver Nagendra Paswan and while he was driving Pandey's Bolero vehicle, the same was snatched by the accused persons for selling it and with the said intent the driver was killed. Learned counsel for the petitioner further states that there is absolutely no material to show that the petitioner was either involved in the theft of the vehicle, nor there is any material to show that he took part in the killing of the driver. Learned counsel for the petitioner also avers that the petitioner had been implicated subsequently only on the basis of confessional statements of co-accused persons Mantu Singh and Basant Kumar. Learned counsel for the petitioner further states that the allegation that subsequently the petitioner also made confessional statement is absolutely false. Learned counsel for the petitioner also submits that the petitioner has got no criminal antecedents and he is in custody since 28.07.2007.

In the aforesaid facts and circumstances, this petition is

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allowed. Let petitioner, namely Basant Kumar Yadav, be released on bail on furnishing bail bond of Rs.10,000.00 (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Deo P.S.Case No.45 of 2007.

sunil **(S.N.Hussain,J.)**

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